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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 F.G. CROSTHWAITE, et al.,

14 Plaintiffs,

15 vs.

16 GIACALONE ELECTRICAL SERVICES,  
17 INC., et al.,

18 Defendants.

Case No.: C12-6178 SI

**NOTICE OF WITHDRAWAL OF  
PLAINTIFFS' MOTION FOR  
DEFAULT JUDGMENT; NOTICE OF  
VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE OF DEFENDANT  
GIACALONE ELECTRICAL  
SERVICES, INC. ; AND [PROPOSED]  
ORDER**

Date: December 12, 2014  
Time: 9:00 a.m.  
Ct rm: 10 (19<sup>th</sup> Floor)  
Location: 450 Golden Gate Avenue  
San Francisco, CA  
Judge Honorable Susan Illston

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WITHDRAWAL OF MDJ & DISMISSAL WITHOUT PREJUDICE  
CASE NO.: C12-6178 SI

1 Default has been entered against Defendant GES since it did not appear in this action.  
2 Docket No. 33. On November 7, 2014, Plaintiffs Operating Engineers' Health and Welfare Trust  
3 Fund, et al. ("Trust Funds") filed a Motion for Default Judgment against Giacalone Electrical  
4 Services, Inc. ("GES"). Docket Nos. 75-77. The Trust Funds hereby withdraws its Motion for  
5 Default Judgment. Further, the Trust Funds voluntarily dismiss Defendant GES without prejudice.  
6 Plaintiffs have not previously filed or dismissed any similar action against Defendant GES.

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8 Dated: November 20, 2014

SALTZMAN & JOHNSON  
LAW CORPORATION

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10 \_\_\_\_\_/s/\_\_\_\_\_  
11 Shaamini A. Babu  
12 Attorney for Operating Engineers' Health  
And Welfare Trust Fund, et al.

13 **ORDER**

14 Based on the foregoing, and good cause appearing, the hearing on Plaintiffs' Motion of  
15 Default Judgment set for December 12, 2014, is hereby taken off calendar and Defendant GES is  
16 dismissed without prejudice.

17 IT IS SO ORDERED.

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19 Date: 11/21/14

  
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20 SUSAN ILLSTON  
21 United States District Court Judge  
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WITHDRAWAL OF MDJ & DISMISSAL WITHOUT PREJUDICE

**PROOF OF SERVICE**

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On November 20, 2014, I served the following document(s):

**NOTICE OF WITHDRAWAL OF PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT; NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF DEFENDANT GIACALONE ELECTRICAL SERVICES, INC. ; AND [PROPOSED] ORDER**

on the interested parties to this action, in the manner described as follows, addressed as below:

XX **MAIL** by placing the envelope for collection and mailing on the date shown above following our ordinary business practices. Being readily familiar with this business's practice for collecting and processing correspondence for mailing, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

**Defendant Giacalone Electronic Services, Inc.**  
c/o Vincent Giacalone  
4600 Meritage Court  
Gilroy, CA 95020

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 20<sup>th</sup> day of November, 2014, at San Francisco, California.

\_\_\_\_\_  
/S/  
Catherine Jemera